

SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

BLYTHE 265 North Broadway Blythe, CA 92220 (760) 921-7981	INDIO 46-200 Oasis St. Indio, CA 92201 (760) 863-8209	RIVERSIDE 4175 Main Street Riverside, CA 92501 (951) 955-1940	MURRIETA 30755-D Auld Rd. Murrieta, CA 92563 (951) 304-5100	HEMET 880 N. State St. Hemet, CA 92543 (951) 766-2525
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**DISSOLUTION OF MARRIAGE/LEGAL SEPARATION/NULLITY
FORMS AND GENERAL INFORMATION PACKET**

PART II. FINISHING YOUR CASE

TYPE C: UNCONTESTED CASE

This packet includes forms and instructions to *finish* your Dissolution of Marriage (Divorce)/Legal Separation/Nullity case. The instructions are on colored paper, the forms are on white. Please read all of the instructions before you begin.

ALERT! The forms contained in this packet finish your case. If you have not started your case, you must obtain the first packet entitled “Part I. Beginning the Process.”

NOTE: ALL BOLDED ITEMS IN THESE INSTRUCTIONS ARE THE NAMES OF FORMS FOLLOWED BY THE FORM NUMBER.

In order to determine which forms are required to finish your case, you must first determine which type of case you have. The four different types are listed below:

TYPE A: PETITION filed and served, no RESPONSE filed within 30 days of completed service of the Petition and Summons, and you and your spouse **DO NOT HAVE A WRITTEN AGREEMENT**. This type of case is referred to as a **TRUE DEFAULT CASE** (Yellow Packet).

TYPE B: PETITION filed and served, no RESPONSE filed within 30 days of completed service of the Petition and Summons, and you and your spouse **HAVE A WRITTEN AGREEMENT** on all issues. This type of case is referred to as a **DEFAULT CASE** (Green Packet).

TYPE C: PETITION filed and served, RESPONSE filed and served, and you and your spouse **HAVE A WRITTEN AGREEMENT** on all issues. This type of case is referred to as an **UNCONTESTED CASE** (Pink Packet).

TYPE D: PETITION filed and served, RESPONSE filed and served, and there is NO WRITTEN AGREEMENT on all issues. This type of case is referred to as a CONTESTED CASE (seek legal assistance). (Golden Rod Packet)

Once you have determined which type of case you have, follow the instructions. All steps must be completed and all information must be provided before your Judgment can be granted. If your case is either a TYPE A, B or C, you most likely will be able to obtain a final Judgment without ever appearing in court. If your case is a TYPE D, you should seek legal assistance or consult with the Family Law Facilitator.

Note! A written agreement, as used in these instructions, means a document signed by both parties, which includes the terms of your agreement regarding your community/separate property, spousal support, child support, and child custody and visitation,

TYPE C. UNCONTESTED CASE

Response filed and served and there is a written agreement between the parties on all issues).

ALERT! COMPLETION OF FORMS—(All forms in the first packet entitled “Part I. Beginning the Process” must be filed first).

1. To finish your case, the following forms must be completed.

- ☐ **Appearance, Stipulations, and Waivers** (Form FL-130).
www.courtinfo.ca.gov/forms/fillable/fl130.pdf Both parties must complete, sign, and date this form. To proceed without a hearing, you must check either Box 1 or Box 2, Boxes 4, 5, 6, either Box 7 or 8, and Box 9. (A total of six boxes must be checked). Checking these boxes affects your legal rights, you should consult an attorney before proceeding.
- ☐ **Declaration Regarding Service of *Final* Declaration of Disclosure** (Form FL-141)
www.courtinfo.ca.gov/forms/fillable/fl141.pdf. Both parties are required to complete this form unless both parties waive receipt of the *final* disclosure documents by filing a **Stipulation and Waiver of Final Declaration of Disclosure** (Form FL-144)
www.courtinfo.ca.gov/forms/fillable/fl144.pdf or a **Waiver of Final Declaration of Disclosure** (Form RI-F24).

NOTE: Both parties must file a **Declaration Regarding Service of *Preliminary* Declaration of Disclosure** (Form FL-141) when submitting a *Marital Settlement Agreement* or a *Stipulated Judgment*. Instructions for completing this form are in the first packet, “Part I. Beginning the Process.”

- ☐ **Declaration for Default or Uncontested Dissolution or Legal Separation** (FL-170)
www.courtinfo.ca.gov/forms/fillable/fl170.pdf
This form allows you to finalize your divorce without going to court. Therefore, you must take great care in filling it out correctly.
- ☐ **Judgment** (FL-180) www.courtinfo.ca.gov/forms/fillable/fl180.pdf Complete this form and attach your *Marital Settlement Agreement* or *Stipulated Judgment*.
- ☐ *Marital Settlement Agreement (MSA) or Stipulated Judgment. These are not forms.* They are written agreements between the parties or stipulated judgments by the parties. You may also use the attached Marital Settlement Agreement/Addendum to Judgment form instead of the MSA or stipulated judgment. Whichever document you choose, it must address all of the following issues:
 - a. child custody and visitation
 - b. child support
 - c. property division, including confirming separate property and dividing community assets and debts
 - d. spousal support requests or waivers, and

e. restoration of former name, if applicable.

You may include additional agreements reached by the parties. Examples are provided in *How to Do Your Own Divorce* mentioned on the first page of this packet. Both parties must sign and date the *MSA* or *Stipulated Judgment*.

☐ If your *MSA* or *Stipulated Judgment* contains CHILD SUPPORT provisions, you must complete:

- a. **Child Support Case Registry Form** (Form FL-191) www.courtinfo.ca.gov/forms/fillable/fl191.pdf And you must attach the following informational sheet to the **Judgment**:
- b. **Notice of Rights and Responsibilities—Health Care Costs and Reimbursement Procedures and Information on Changing a Child Support Order** (Form FL-192) www.courtinfo.ca.gov/forms/documents/fl192.pdf

If you have agreed to a child support amount that is less than the guideline amount, your agreement must contain the wording as indicated in Family Code Section §4065 or you must both sign the **Stipulation to Establish or Modify Child Support and Order** (Form FL-350) www.courtinfo.ca.gov/forms/fillable/fl350.pdf; Box 6b must be checked. If you would like the child support to be taken from the payor's paycheck, you must complete the **Order/Notice to Withhold Income for Child Support** (Form FL-195) www.courtinfo.ca.gov/forms/fillable/fl195.pdf

☐ If your *MSA* or *Stipulated Judgment* contains SPOUSAL SUPPORT waivers and you were married ten years or more, you must complete the following additional forms:

- a. **Income and Expense Declaration** (FL-150) www.courtinfo.ca.gov/forms/fillable/fl150.pdf, which includes **Income** information, **Expenses**, and **Child Support** information (*the child support information page is only completed if your case involves child support, however, you must file all 4 pages with the court*)
- b. You may also complete an **Earnings Assignment Order for Spousal Support** (FL-435) www.courtinfo.ca.gov/forms/fillable/fl435.pdf if you would like the support to be garnished from your spouse's pay check.

☐ **Notice of Entry of Judgment** (FL-190) www.courtinfo.ca.gov/forms/fillable/fl190.pdf
Complete this form and provide your address and your spouse's address in the boxes at the bottom of the form.

☐ **Family Law Judgment Checklist.** This form is your declaration that you have provided all of the required documents to the court. Answer all items under the "Uncontested Case" section of this form, sign and date. If an item is not applicable, indicate with a "N/A." However, most items are required so check these instructions before assuming an item/document is not required.

FILING

2. The forms listed above should be submitted to the Express Window in the Clerk's Office at the same time. However, some forms have special filing requirements.

- a. **Family Law Judgment Checklist, Appearance, Stipulations and Waivers, Declaration for Default or Uncontested Dissolution or Legal Separation, Judgment** with attached *MSA* or *Stipulated Judgment*. Submit *original and two copies* to the Express Window in the Clerk's Office. The clerk will forward the documents for processing. Once the **Judgment** has been signed, the clerk will file the original.

An optional large self-addressed stamped envelope with postage prepaid may be included if you would like copies of the **Declaration for Default or Uncontested Dissolution** and **Judgment** mailed to you. Otherwise, the copies will be left in the "Pro Per Bin" which is located next to the Attorney bins, where you may pick them up approximately six (6) weeks after submission.

- b. **Declaration Regarding Service of Final Declaration of Disclosure (both Petitioner's and Respondent's)** Only file these forms if you have not waived receipt as described in paragraph 1 above.
- c. If your *MSA* or *Stipulated Judgment* contains CHILD SUPPORT provisions, you must submit the original and two copies of the following documents along with the above-mentioned documents:
 - i. **Child Support Case Registry Form** (Form FL-191)
 - ii. **Stipulation to Establish or Modify Child Support and Order**, if applicable

You must also attach the following informational sheets to the **Judgment**:

- iii. **Notice of Rights and Responsibilities—Health Care Costs and Reimbursement Procedures and Information on Changing a Child Support Order** (Form FL-192) (Attachment only)

If you would like the support to be garnished from the payor's paycheck, you must submit the original and two copies of the **Order/Notice to Withhold Income for Child Support**. The Clerk will forward the original **Order** for processing. After the judicial officer has signed this **Order/Notice**, you must mail the **Order/Notice** to your spouse's employer. If you need assistance, contact the Family Law Assistance Center, which is located on the 3rd Floor of the courthouse.

- d. If your *MSA* or *Stipulated Judgment* contains SPOUSAL SUPPORT waivers and you were married for ten years or more, you must submit the original and two copies of the **Income and Expense Declaration** (all four pages) along with the above-mentioned documents. You may also submit the original and two

copies of the **Earnings Assignment Order for Spousal Support** if you would like the payments to be taken from the payor's paychecks. After the judge has signed this **Order**, you must mail the **Order** to your spouse's employer. If you need assistance, contact the Family Law Assistance Center located on the 3rd Floor of the courthouse.

- e. **Notice of Entry of Judgment.** Submit ***original and two copies*** along with *two large stamped envelopes*, one addressed to you and the other addressed to your spouse. These envelopes are **not** optional and are in addition to those required for the **Request to Enter Default**. The Clerk will enter the date of final Judgment on this form, file the original and mail one copy to you and the other copy to your spouse. If you provide large enough envelopes, the Clerk will include copies of the **Judgment** with attached Marital Settlement Agreement/Stipulated Judgment and **Declaration for Default or Uncontested Dissolution or Legal Separation** when mailing the **Notice of Entry of Judgment**.